

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JULIO ORENGO,

Plaintiff,

v.

HAZELTON CHICKEN LLC,

Defendant.

:
: CIVIL ACTION
:
: ELECTRONICALLY FILED
: ON NOVEMBER 22, 2019
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COMPLAINT

Julio Orengo (“Plaintiffs”) brings this lawsuit against Hazelton Chicken LLC (“Defendant”), seeking all available relief under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201, et seq. and the Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. §§ 333.101, et seq.

JURISDICTION AND VENUE

1. Jurisdiction over the FLSA claim is proper under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
2. Jurisdiction over the PMWA claim is proper under 28 U.S.C. §1367.
3. Venue in this Court is proper under 28 U.S.C. § 1391.

PARTIES

4. Plaintiff resides in Sugar Notch, PA (Luzerne County).
5. Defendant is a corporation headquartered at 440 Wilkes Barre

Township Boulevard, Wilkes Barre, PA 18702 (Luzerne County).

FACTS

6. During most of the time period between approximately October 2017 and approximately August 2019, Defendant employed Plaintiff at its Popeyes chicken restaurants located in Wilkes Barre, PA, Hazelton, PA, Washington, PA, and Binghamton, NY.

7. Plaintiff regularly worked over 40 hours per week. In fact, it was not unusual for Plaintiff to work over 70 hours per week.

8. Defendant did not pay Plaintiff overtime premium compensation for hours worked over 40 per week. Instead, depending on the time period, Defendant either: (i) paid Plaintiff nothing for his hours worked over 40; or (ii) paid Plaintiff at a straight-time rate of \$10/hour for his hours worked over 40; or (iii) paid Plaintiff a purported salary that did not include any extra money for hours worked over 40.

COUNT I

9. The FLSA entitles employees to overtime compensation “not less than one and one-half times” their regular pay rate for all hours worked over 40 per week. See 29 U.S.C. § 207(a)(1).

10. Defendant violated the FLSA by failing to pay Plaintiff all owed wages (including overtime premium wages) for hours worked over 40 per

week.

11. In violating the FLSA, Defendant acted willfully and with reckless disregard of clearly applicable FLSA provisions and, thus, has committed a willful violation of the FLSA.

COUNT II

12. The PMWA requires that employees receive overtime premium compensation “not less than one and one-half times” the employee’s regular pay rate for hours worked over 40 per week. *See* 43 P.S. § 333.104(c).

13. Defendant violated the PMWA by failing to pay Plaintiff all owed wages (including overtime premium wages) for hours worked over 40 per week.

PRAYER FOR RELIEF

Plaintiffs seeks: (a) unpaid wages; (b) prejudgment interest; (c) liquidated damages (under FLSA only); (d) litigation costs, expenses, and attorneys’ fees; and (e) any other relief this Court deems just and proper.

Date: November 22, 2019

Respectfully,



Peter Winebrake
R. Andrew Santillo
Mark J. Gottesfeld

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